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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,597	04/01/2004	Jean-Pierre Rene Leon	403005/WEINSTEIN	5887
23548	7590	10/04/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			SHARP, JEFFREY ANDREW	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/814,597

Applicant(s)

LEON ET AL.

Examiner

Jeffrey Sharp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

[1] This action is responsive to Applicant's remarks/amendment filed on 12 July 2005 with regard to the Official Office action mailed on 21 January 2005.

Status of Claims

[2] Claims 1-8 are pending.

Specification

[3] The disclosure was previously objected to for informalities. Applicant has successfully addressed these issues in the amendment filed on 12 July 2005. Accordingly, the objection(s) to the specification have been withdrawn, and the changes have been entered.

Claim Rejections - 35 USC § 103

[4] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[5] Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leon et al WO-00/49299 in view of Higdon et al. US-6,004,065.

Leon et al. teach a female piece having a clasp, hollow elastically deflectable head, hollow foot portion having two tabs, and a male piece having a head (having a second head element (91), shaft, and cam portion. Broadly speaking, Leon et al. teach substantially all of the

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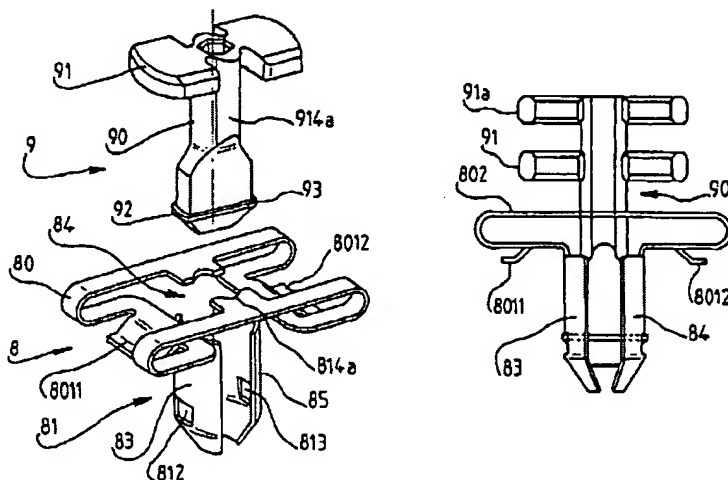
claimed limitations, except for a **notch on the head** of the male piece that receives a **component** projecting from the head of the female piece -- said component comprising a resilient and axially-deflectable **finger** at its free end.

Higdon et al. teach a device for use in joining at least two panels together (Col 1 lines 7-9), comprising an anti-rotation apparatus. The anti-rotation apparatus has both *locked* and *unlocked* positions; both positions being facilitated by resilient, axially deflectable tab-like **components (70)** that extend from a female piece (30), and which have bent-like **finger portions** at their free ends. The fingers (70) are deflectable in an axial direction with respect to the shaft (54,60) axis of the male piece (50), and engage a **notch (68)** in the head (52) of the male piece (50), so as to prevent accidental rotation of the male piece (50) within the female piece (30). Accidental rotation of the male piece (50) is undesirable (as stated by Applicant in vibration environments), because it compromises the "separation of the tabs" and therefore threatens the "holding together a stack of panels". In order to achieve an *unlocked* position (i.e., position which allows rotation of the male piece (50) within the female piece (50)), the fingers (70) are axially deflected in between the two head portions (52, 56) and out of the notch (68) of the head (52). This is facilitated by cutouts (66), as Higdon et al. specifically disclose that clearance flats (i.e., "cutouts") are necessary for the first head portion (52) to clear the fingers (70) upon axial insertion of the male piece (50) into the female piece (30). See Higdon et al. Col 3 lines 26-38.

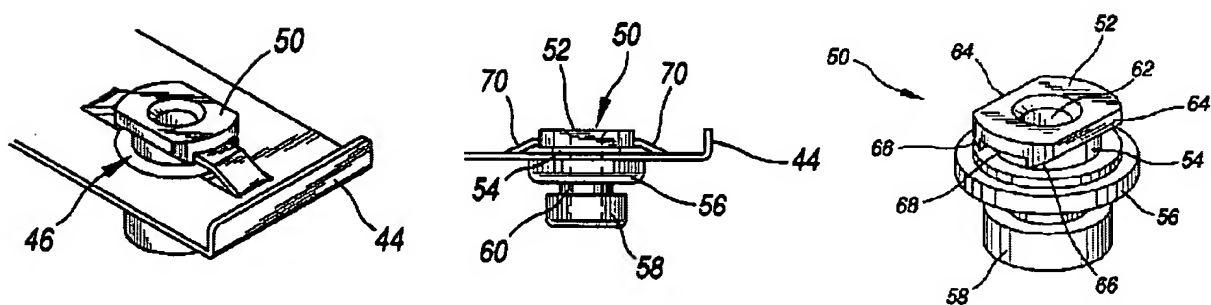
At the time of invention, it would have been obvious to one of ordinary skill in the art, to modify the fastening device taught by Leon et al., to comprise the anti-rotation device (i.e., 'resilient finger components' on a female piece, and a 'notch' on one of a plurality of head

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elements on a male piece), as suggested by Higdon et al. and substantially discussed above, so as to prevent accidental rotation of the male piece within the female piece when the male piece is in a fully inserted position. Accidental rotation would undesirably cause loosening or separation of the panels.



Leon et al WO-00/49299



Higdon et al. US-6,004,065

Response to Arguments/Remarks

[6] Claim(s) 1-7 were previously rejected under 35 U.S.C. 103(a) as being unpatentable over Leon et al. WO-00/49299 in view of Higdon et al. US-6,004,065.

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Applicant's arguments/remarks with regard to this reference have been fully considered, but are not persuasive.

When construed broadly, the examiner maintains that the Leon et al. '299 reference suggests each and every limitation of claims 1-7, including the recited functional language and an immobilization element (91) on a male piece (90) comprising diametrically opposed portions/lateral protuberances which pass through a hollow (84) of the head (802) of the female piece (81).

Higdon et al. '065 suggests and makes obvious to one having an ordinary skill in the art, an improvement comprising providing at least one component/tab (70) which projects from a female piece (30) for fastening multiple panels (see title), said at least one component/tab (70) being engageable with at least one notch (68) in the periphery of the head (52) of a male piece (50).

The examiner takes the position that at the time of invention, it would not have been unobvious to employ the means for anti-rotation suggested by Higdon et al. '065 to the fastening device disclosed by Leon et al. '299, as the references are within the same field of endeavor, and aim to solve the same problem of male and female parts rotating relative to each other. Furthermore, Higdon et al's improvement would have been an obvious modification to the fastening device taught by Leon et al. '299, because it solves the problem of maintaining an angular relationship between a male piece and a female piece, in order to prevent accidental loosening of the fastening device and panels.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

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combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

It is not required that the prior art disclose or suggest the properties newly-discovered by an applicant in order for there to be a prima facie case of obviousness. See *In re Dillon*, 919 F.2d 688, 16 USPQ2d 1897, 1905 (Fed. Cir. 1990). Moreover, as long as some motivation or suggestion to combine the references is provided by the prior art taken as a whole, the law does not require that the references be combined for the reasons contemplated by the inventor. See *In re Beattie*, 974 F.2d 1309, 24 USPQ2d 1040 (Fed. Cir. 1992); *In re Kronig*, 539 F.2d 1300, 190 USPQ 425 (CCPA 1976) and *In re Wilder*, 429 F.2d 447, 166 USPQ 545 (CCPA 1970). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F. 2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). In this regard, a conclusion of obviousness may be based on common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference. *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Allowable Subject Matter

[7] In view of Applicant's amendment/remarks filed on 12 July 2005, and after further consideration of the prior art of record, new claim 8 is objected to as being dependent upon a rejected base claim (claim 1), but would be allowable if:

1) rewritten in independent form including all of the limitations of the base claim and any intervening claims, and

2) re-written with the following amendment to claim 8:

Delete "*being connected to the head of the male piece*" on line 6, and replace with:
extending radially from said shaft at a predetermined distance from the head of the male piece.

Replace "and" on line 8 with: said protuberances having.

This amendment is consistent with paragraph [0022] of the present specification and the drawings. Furthermore, Higdon et al. '065 would make obvious "cutouts" (64) and "notches" (68) on the head (52) of a male piece (50). Lastly, the peripheral areas of element (91) in Leon et al. '299 could be broadly construed as "cutouts", and it should be made clear that these cutout portions reside on the protuberances.

Conclusion

[8] **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

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final action.

[9] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Sharp whose telephone number is (571) 272-7074. The examiner can normally be reached 7:00 am - 5:30 pm Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

NEW CENTRAL FAX NUMBER

Effective July 15, 2005

On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

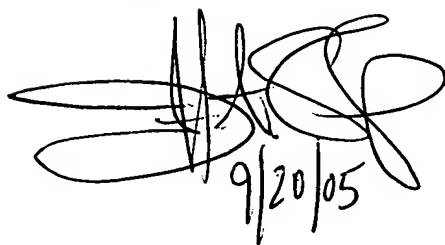
Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number. To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

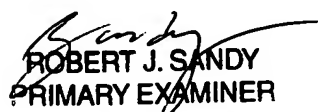
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAS



9/20/05



ROBERT J. SANDY
PRIMARY EXAMINER